

Solicitation for Research and Evaluation on Sentencing Reforms and Their Effects on Corrections (1997)

I. Introduction

This request for proposals announces a second year of evaluation and research support on the Violent Offender Incarceration and Truth-in-Sentencing Acts (Title II, Subtitle A) of the Violent Crime Control and Law Enforcement Act of 1994, as amended, and related issues. The request continues to be responsive to both Congressional and public demand for accountability and the need to develop a knowledge base that examines policy and recommends improvements. This second year will support up to \$3,500,000 in projects that will provide for impact studies to complement the previously funded national evaluation of the primary sentencing initiatives in the Act, encourage practitioner-researcher partnerships, and support other specified topical research that will contribute to the understanding of ongoing State and local sentencing initiatives that may be generalizable to other jurisdictions.

II. Background

The Violent Crime Control and Law Enforcement Act of 1994, as amended, (the Act) has advanced a multifaceted approach to violent crime, including changes in Federal penalties for crimes and incentive programs for State and local jurisdictions. Under Title II, Subtitle A, of the Act, most States and local correctional systems received Violent Offender Incarceration and Truth-in-Sentencing Incentive (VOI/TIS) Grant funds in FY 96. Additional funds will be distributed in FY 97. These funds are to be used to expand capacity

to incarcerate violent offenders with more certainty and to ensure that at least 85% of the length of each sentence for Uniform Crime Report Part I crimes is actually served. A new provision will be imposed starting in 1999 that will require States to have a program of drug testing, intervention, and sanctions to receive funding (PL 104-208, 110 Stat. 3009, H.R. 3610).

The Office of Justice Programs (OJP)/Corrections Program Office (CPO) administers the VOI/TIS grant program. The VOI/TIS grant program provides funds for States to undertake correctional expansion to increase the likelihood that a convicted violent offender will serve time in prison and that time served as a fraction of sentence length will be increased. Funds can be used for prison and jail construction, modified prisons such as boot camps, to free bed space for violent offenders through intermediate and other residential community-based programs for non-violent offenders, and for privatization of facilities.

A portion of the overall funds authorized under the VOI/TIS program has been set aside for the National Institute of Justice (NIJ) to assess and evaluate the outcomes of the VOI/TIS program and major issues in the area of sentencing policy, and to conduct research that will improve the ability of States to achieve program goals.

In 1996, the Solicitation for Proposals to Evaluate and Research Sentencing Reforms and Their Effects on Corrections encouraged proposals in three major areas: Part I addressed the need for a national evaluation of the primary sentencing initiatives in the Act, including Truth

In Sentencing and Violent Offender Incarceration; Part II encouraged program evaluations of State and local level initiatives; and Part III encouraged the creation of partnerships between research organizations and operational agencies to conduct evaluations.

In collaboration with the CPO and consultation with correctional practitioners, sentencing policymakers, and researchers, the NIJ continues to identify key research questions and policy needs to maximize the lessons learned from projects funded under the Act and to provide feedback on strategies for addressing changes in sentencing policy to State and local jurisdictions. The following section addresses the areas of research and evaluation that are of interest to NIJ and the CPO.

III. Areas of Research Solicited

Sentencing is one of the most critical public policy issues of this decade. As society's response to wrongdoing, sentencing must take into account not only the harm committed against individual victims but also the effect of the crime on the internal cohesion and stability of the community and the country. Sentencing policy and practice must consider community values, the harm done to the victim(s), the defendant's culpability and motivation, due process, and issues of equity and fairness. Additionally, sanctioning is widely regarded as a tool to discourage criminal behavior.

For a large number of citizens, sentencing policy and practice are failing to meet expectations. In response, Federal and State governments have responded with legislation. The VOI/TIS program is intended to restore integrity to the sentencing process by increasing the likelihood that a convicted

violent offender will serve time in prison and that time served as a fraction of sentence length will increase.

New public policy questions about sentencing and correctional programs arise every year. This solicitation seeks to develop knowledge about sentencing and correctional policy and practice. Proposals are sought in the following areas: (1) sentencing impact evaluations, including research on the measurement of "length of stay," evaluation of the impact on facility operations and management, and research on the impacts of privatization; (2) topical research and evaluation that will improve State and local sentencing policy and related correctional practices; and (3) practitioner-researcher partnerships that will stimulate the formulation of lasting partnerships and address important questions related to sentencing policy and corrections.

A. Sentencing Impact Evaluations

Many State legislators are concerned that changes in sentencing policy such as "three strikes" or "truth in sentencing" will result in runaway costs that will severely affect the State's ability to support other priorities. Management of increased numbers of offenders due to changes in sentencing and release policies is also a concern of corrections policymakers and practitioners. Research proposals are being solicited that will measure the impact of changes in sentencing policies both retrospectively and prospectively. Particular areas of interest include the impact of changes in sentencing practice on length of stay and on the organization and management of correctional facilities.

Impact on Length of Stay. One of the major questions about Truth-in-Sentencing (TIS) initiatives continues to be: "Has TIS had an

impact on length of stay in correctional facilities?”. Currently, there exists no adequate way to compare how length of stay has varied before, during, and after the implementation of TIS initiatives nor to assess the relationship between any changes in length of stay and the TIS initiatives. **NIJ anticipates funding multiple awards totalling up to \$500,000 for this research.**

Proposals are requested for studies to develop algorithms and methodologies to estimate length of stay. The proposed research should be developed across States with different sentencing structures (including both TIS and non-TIS) and should include different correctional facility types (State, local, etc.). Other factors that should be considered in developing the approach include changes in crime patterns, arrest policies, and sentencing policies and strategies. While TIS is the main effect under study, there may be other confounding factors that need to be assessed, including management policy, facility capacity, and community reactions. Because of the significance of this component of the study, potential confounding factors should be outlined and incorporated into the model.

Impact on Management and Operations.

Another potential impact of VOI-TIS legislation is on the management and organization of correctional facilities. Because of changes in prisoner flow due to legislation and the prevailing ‘do more with less’ atmosphere in many state and local jurisdictions, correctional facilities have had to undergo radical changes in both management philosophy and organizational structure. **NIJ intends to fund two awards totalling up to \$500,000 in this area.**

NIJ is soliciting proposals that will study organizational impacts of the VOI/TIS

legislation in an effort to provide assistance to State and local jurisdictions struggling to deal with sentencing reform resulting from these new laws. Funded studies should be national in scope, assessing both VOI/TIS and non-VOI/TIS States, and the evaluation should encompass several methodologies.

Potential research questions include the following:

- What changes in policies and practices, including changes in physical plant, are required to manage inmates who have been given longer sentences and less “gain time” opportunities? How were these changes implemented?
- What management and organizational interventions are being established to efficiently manage the increase in the number of violent offenders confined?
- What methods are being implemented to provide for the safety of correctional officers when they are required to provide custodial care for increasingly violent offender populations?
- What issues are involved in implementing and operating “super-max” facilities for difficult to manage offenders?

Proposals should address impacts, including impacts on costs.

Impact of Privatization. VOI/TIS funds can be used by States and local governments to rent beds in private prisons and jails and to finance the construction or operation of private prisons and jails. Governments at all levels are currently exploring the cost-effectiveness of private prisons and jails and the private provision of community-based supervision programs (e.g.,

drug use monitoring, electronic surveillance). Relatively little evaluation has been conducted to assess either the impact or the cost-effectiveness of private correctional operations.

NIJ intends to fund two to three awards in this area totalling up to \$500,000.

NIJ solicits proposals that will provide policymakers and correctional management much-needed information in the area of privatization. Specific topics of interest include, but are not limited to, the following:

- What is the extent of privatization? Why does privatization develop? What types of services and operations are the most developed and extensive? What new privately provided services and operations are emerging? What areas of correctional management and operations are not typically available or sought from private providers?
- How do supervision issues differ between public and private facilities? Do different supervision issues arise concerning State versus private inmates?
- What are the incentive structures for privately provided correctional services? What issues arise concerning the monitoring of the contract between the State and the services provider? For instance, how are contractors held accountable?
- How do private facilities and/or services compare to public facilities/services? Possible comparisons include the populations being served, provision of services and programs, inmate and officer safety, levels of infractions, length of stay, and management of escapes and riots.

- How do the costs of public and private facilities compare? Does any cost advantage change over time?
- How are private industries operating in private prisons and jails? Who benefits?
- What services are provided by private firms in support of community-based corrections? What guidelines or certification procedures are being developed to assure the quality of these services?

B. Topical Research and Evaluation

In addition to encouraging proposals on sentencing impact evaluations, this solicitation seeks proposals on specific topics. Each of these topics merits research and evaluation to establish its efficacy, to identify possible improvements, and to determine ultimate contribution to State and local policy and practice. **NIJ anticipates supporting 8 to 10 grants totaling up to \$1 million under this section.**

Many issues in sentencing and corrections persist regardless of the sentencing paradigm or correctional philosophy of a given jurisdiction. Questions of public safety, program effectiveness, costs, and fairness are of perennial interest. Additionally, State and local professionals are continually searching for information that identifies which policies work best for which populations.

In keeping with its mission of improving the efficiency and effectiveness of criminal justice systems, NIJ is soliciting research and evaluation that will improve State and local operations as they strive to implement the Act's intent. The scope of research and evaluation of interest under this solicitation extends from

prosecution to parole. **The essential criterion of eligibility for funding is that the research and evaluation results improve State and local sentencing policy and related correctional practices. Award decisions will be strongly influenced by determinations of policy relevance (in addition to technical merit), and applicants bear the responsibility of articulating to peer reviewers the contributions to policy of their proposed research.**

NIJ's broad substantive areas of interest include, but is not limited to, proposals that address sentencing and correctional policy and practice as they impact (1) victim issues and concerns; (2) the sentenced offender; (3) unintended consequences of sentencing policy; (4) courts-related issues; and (5) public opinion on integrity of the justice system. These are described in the sections below.

Victim Issues and Concerns. As greater attention focuses on the impact of crime on victims, the harm inflicted, and offender accountability, the role of sentencing and corrections in the process of recognizing and protecting victims' rights has become more significant. Some relevant topic areas in regard to victim needs and concerns include victim services, victim impact statements, victim restitution and community service, victim notification systems, and balancing the rights of victims and offenders. Issues for consideration under these five topics are described below.

Victim Services. What types of victim assistant programs do correctional facilities provide? If services are not provided, is this due to statutory limitations? Are services available to various types of victims, such as children under the age of 12, elderly persons, and commercial establishments? Are services available for offenders who also are victims? Are victims

aware of the existence of these programs? How do they find out about them? Are these services considered useful? What are the impacts of these programs?

Victim Impact Statements. Are victim impact statements used? How are they used? Are different formats (e.g. written, verbal, audiotape, videotape) accepted? At what stage of the criminal justice process are they utilized? How are they incorporated in different sentencing structures? What effect have they had on sentencing decisions?

Victim Restitution and Community Service. Are offenders required, if appropriate, to provide restitution to victims, or their families, or engage in some form of community service? What types of sanctions are beneficial to the victim, and/or the community?

Victim Notification Systems. Are correctional facilities implementing victim notification systems? How effective are they? Are clients/customers satisfied with this service?

Balancing Victim and Offender Rights. How are the rights of victims, such as the right to information about the offender's case, disposition, sentence, and release, balanced with the due process rights of offenders? Do practices such as sex offender registries and notification systems jeopardize an offender's constitutional rights?

The Sentenced Offender. Sentencing policies and practices are intended to punish for past crimes and to prevent future offending. Many different sanctions and interventions--ranging from imprisonment through unsupervised release--are employed to accomplish these objectives. Imprisonment prevents crimes that an offender would have committed had he been free, but imprisonment is expensive. Also,

advocates and critics disagree about the impact of incarceration on an offender's propensities to commit crimes after release. At the other extreme, unsupervised probation or suspended sentences are inexpensive; but, these sanctions offer the least assurance that the criminal justice system will be able to detect future offending or that the convicted offenders will desist from engaging in criminal behavior.

Much correctional research and evaluation over the past decade has sought to understand the effectiveness of sentencing and supervisory options that exist between these two extremes. Many professionals in the correctional field harbor a persistent belief that cost-effective alternatives to imprisonment and unsupervised probation exist and that it is possible to devise sanctions that punish offenders, safeguard the public, and minimize the burden on taxpayers. Moreover, professional managers advocate weaving these sanctions into an integrated sentencing system that offers judges greater discretion in choosing sanctions which are specific and appropriate to the offender's circumstances. Understanding how these "intermediate" sanctions affect different offenders, what they are likely to achieve, and how to integrate them into a State's sentencing practices are central goals of this solicitation.

The topics listed below suggest the range of NIJ's interests in research that focuses on the sentenced offender in the context of sentencing reform.

- Impact of VOI/TIS on the numbers and characteristics of offenders under local community control.
- New correctional sanctions including those that focus public policy on the offender and not on the sanction. For example, under the First-time Offender

Waiver in the State of Washington, judges may disregard otherwise applicable guidelines in sentencing qualifying offenders and "the court is given broad discretion in setting the sentence."

- Treatment interventions for substance abusers, sex offenders, the "dual diagnosed," and domestic violence perpetrators (batterers).
- Role of programs in prisons, including rehabilitation, training and in-prison work programs, both for population management and rehabilitation.
- Impact of sanctions on recidivism and other outcome measures.
- Juvenile offenders housed in adult facilities, and their needs.
- Practices to accommodate increasing numbers of older offenders and women offenders.
- Changes in procedures and practices governing the release of inmates from prison to the community, including post-release supervision.

Unintended Consequences of Sentencing Policy. The intended consequences of sentencing policy are to meet such goals as punishment, public safety, deterrence, and rehabilitation. Traditional studies of these goals emphasize potential crimes averted, public perceptions of justice and punitiveness, program costs, costs of alternative sanctions, offender recidivism, and an array of broader social costs. It is possible, however, that traditional methods have overlooked or ignored other relevant outcomes of sentencing processes and gains

achieved at the expense of other safety priorities or other domestic policy concerns.

NIJ solicits research on unintended consequences that clearly defines the consequences under study and their links to specific sentencing policies. Additionally, research conducted under this heading should be objective in that it portrays unintended consequences as tradeoffs to be considered in sentencing policies rather than as necessary or unnecessary “evils” of sentencing practice. Examples of possible studies include these topics:

- Creating long-term cumulative health care and other financial obligations through “life without parole” types of sentencing. Particular focus should be given to the increase in numbers of older inmates due to tougher sentences, increases in the use of mandatory sentences, and the record numbers on inmates who are serving life sentences.
- Assessing the impact of racial, ethnic and gender differences in offending patterns in the sentencing process.
- Removing the male presence from significant numbers of families and from certain communities, including minority families and neighborhoods.
- Diverting State and local expenditures from other domestic priorities.

Courts-Related Issues. The laws, finances, and capacities that comprise a State’s sentencing policies affect the justice processes of the courts and spill over to a broader array of resource issues for citizens in the State. The issues to be enacted at the Federal and State levels affect the practice of criminal justice law

at local levels, or how local responses to changes in sentencing policy influences the effectiveness of those changes.

NIJ solicits research on courts issues as they relate to sentencing policy. Some specific illustrations of courts-related issues are as follows:

- Assessing the impacts of mandatory sentences on local plea bargaining and courts backlogs.
- Defining equivalent sanctions, including for example, identifying the “exchange tradeoffs” among intermediate sanctions such as fines, split sentences, boot camps, etc.
- Describing how active judicial involvement in offender outcomes (i.e., drug courts and other specialized courts) affects working relationships among prosecutors, defense attorneys, judges, and participants in court work groups.
- Evaluating the impact of sentencing policy on the provision of indigent defense services.
- Assessing efforts to “free up” beds for violent offenders through approaches such as restorative justice.

Public Opinions About Sentencing. The attitudes and views of the public with respect to appropriate levels of punishment are an important input into the policymaking process so that policymakers can be responsive to public sentiments with respect to punishment. NIJ encourages studies that will assess public perceptions of and attitudes concerning sentencing issues. Topics for consideration include appropriate levels of sentencing for

violent versus property versus drug offenders; appropriate sentences for white-collar criminals; role of alternatives to incarceration; and attitudes toward restitution, fines, and payment for supervision.

Other Research and Evaluation Topics. The topics mentioned under the headings above are only illustrative of the research and evaluation that NIJ encourages under this solicitation. They were offered to illustrate the kinds of questions to be considered rather than to define the entire scope of useful studies. In developing topics, applicants should assess and explain their likely contributions to understanding the effects of sentencing policies on the criminal justice system and on society at large.

C. Practitioner-Researcher Partnerships

An essential part of NIJ's overall evaluation strategy is the development of improved evaluation capability within State and local criminal justice systems. While rigorous evaluations conducted on topics of interest in other jurisdictions offer valuable insights for practitioners in correctional agencies across the country, they frequently lack the context and immediate relevance of evaluations conducted by authorities on their own programs.

Recognizing that most operational agencies neither have nor can afford substantial in-house research and evaluation expertise, NIJ encourages partnerships between these agencies and research institutions. The purpose of these partnerships is to stimulate collaborative efforts with the goal of developing lasting relationships. **NIJ anticipates funding three to six partnerships totalling up to \$1 million.**

As the partners initiate a collaboration in the development of a proposal, they should consider these factors:

- What constitutes a lasting relationship?
- How should success be measured over time?
- What should your partnership look like?
- How will your partnership be supported?

The primary objective of these partnerships must be to explore how State sentencing policies and practices are best implemented within the context of State or local agencies. Applicants must explain how their efforts will improve the understanding of the implementations or impacts of sentencing policies, both formal and informal.

Both sentencing and corrections partnerships can be formed. These partnerships may be newly formed in response to this solicitation or they may build on an existing relationship between researchers and practitioners. The applicant may be either the practitioner agency or the research agency or academic institution. Applications from jurisdictions of all sizes are encouraged.

A wide range of partnerships may be supported under this solicitation. State prison officials may wish to experiment with new forms of programming for long-term offenders. Community-based corrections agencies might explore new ways to expand prison capacity for violent offenders through special security programs for higher-risk probationers. A research organization may team with a sentencing commission to assess efforts to integrate intermediate sanctions within existing guidelines. Judges may wish to develop and

evaluate new specialized courts that administer probation or parole revocation processes. Research partnerships may also include other relevant local or state government agencies or private service providers. A critical element of the application is that it reflect a genuine collaboration regardless of who may have initiated the effort, and a focus on helping practitioners develop measurable indicators of the success of their programs and strategies. The application must clearly demonstrate a commitment to the partnership on the part of all parties involved.

Funding under this section is intended to support the establishment of the partnerships, the collaborative development of a policy relevant research agenda, the development of measurable indicators of program accomplishments (especially those that can become integral parts of correctional agency operations), and the completion of a least one collaborative research project. The application must include a task outline that includes a schedule for the completion of the key tasks over the course of the project.

The project should include one or more questions or issues to be addressed through the partnership. The completion of a specific research or evaluation effort is required. Documentation of the development of the partnership is critical, therefore the application must include a plan to create a system to record the establishment, development, and achievement of the research collaboration.

Also, proposals should indicate how the partnership is anticipated to continue following the withdrawal of Federal funds. Existing partnerships or collaborations should make clear the additional benefits to be derived from Federal support, as NIJ monies are expected to fund new activities and not to supplement

current research and evaluation resources. Funding will be provided for up to 24 months.

IV. How to Apply

Those interested in submitting proposals in response to this solicitation must complete the required application forms and submit related required documents. (See below for information on how to obtain application forms and guidelines for completing proposals.) Applicants must include the following information/forms to qualify for funding:

- Standard Form (SF) 424—application for Federal assistance
- Assurances
- Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (one form)
- Disclosure of Lobbying Activities
- Budget Detail Worksheet
- Negotiated indirect rate agreement (if appropriate)
- Names and affiliations of all key persons from applicant and subcontractor(s), advisors, consultants, and advisory board members. Include name of principal investigator, title, organizational affiliation (if any), department (if institution of higher education), address, phone, and fax.
- Proposal abstract
- Table of contents
- Program narrative or technical proposal
- Privacy certificate, as appropriate
- References
- Letters of cooperation from organizations collaborating in the research project.
- Résumés

- Appendixes, if any (e.g., list of previous NIJ awards, their status, and products [in NIJ or other publications]).

Proposal preparation. Proposals are restricted to technical sections of **30 double-spaced pages**. Extensive technical appendixes are discouraged and peer reviewers are not required to read them.

Due date. Completed proposals **must be received** at the National Institute of Justice by the close of business on **August 1, 1997**. Extensions of this deadline will not be permitted.

Award period. In general, NIJ limits its grants and cooperative agreements to a maximum period of 12 or 24 months. However, longer budget periods may be considered.

Number of awards. NIJ anticipates supporting 20 to 25 grants under this solicitation.

Award amount. Awards totaling up to \$3.5 million will be made available for this NIJ solicitation.

Guidance and information. Applicants may wish to discuss their potential research topics with NIJ program staff. Those who wish to do so should contact the U.S. Department of Justice Response Center at 800-421-6770. Center staff can provide additional guidance and information to potential applicants and refer them to an appropriate NIJ professional.

Obtaining application forms. To obtain application forms (including a sample budget worksheet) and guidelines for submitting proposals (including requirements for proposal

writers and requirements for grant recipients), applicants can:

- Access the Justice Information Center on the World Wide Web:
<http://www.ncjrs.org/fedgrant.htm#nij>. At this site, the NIJ application forms and guidelines are available as electronic files that may be downloaded to a personal computer.
- Request hard copies of the forms and guidelines by mail from the National Criminal Justice Reference Service at 800-851-3420.
- Request hard copies of the forms and guidelines by mail from the Department of Justice Response Center at 800-421-6770 (in the Washington, D. C., area, at 202-307-1480).